

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORFELINDO CORDERO RAMIREZ,

Plaintiff,

-against-

PRIDE DEVELOPMENT AND
CONSTRUCTION CORP., et al.,

Defendants.

PRIDE DEVELOPMENT AND
CONSTRUCTION CORP., et al.,

Third-Party Plaintiffs,

-against-

MUNA CONTRACTING CORPORATION,

Third-Party Defendant.

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated June 25, 2007 from the Honorable James Orenstein, United States Magistrate Judge, regarding an in limine motion filed by plaintiff Orfelindo Cordero Ramirez on May 23, 2007. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. O5 Civ. 1535 (DAB), 2007 U.S. Dist.

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06-CV-0475 (ARR) (JO)

ORDER

FILED

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LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. On the contrary, the Report and Recommendation is well-reasoned and persuasive. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Consequently, plaintiff's in limine motion is denied to the extent that it seeks to preclude testimony by a witness for third-party defendant Muna Contracting Corporation ("Muna"). As an alternative form of relief, the court will instruct the jury that it may draw an adverse inference against Muna as set forth in Magistrate Judge Orenstein's Report and Recommendation. See R & R at 5.

SO ORDERED.

/S/


Allyne R. Ross
United States District Judge

Dated: July 17, 2007
Brooklyn, New York

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cc: Magistrate Judge James Orenstein